

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

MANDRIEZ RAMON SPIVEY,

Petitioner,

v.

UNITED STATES PROBATION
DEPARTMENT,

Respondent.

CIVIL ACTION NO.
5:20-cv-00173-TES

ORDER

Before the Court is Mandriez Ramon Spivey's ("Spivey") Motion to Appoint Counsel [Doc. 13]. On November 3, 2010, Spivey was sentenced in the Middle District of Georgia for possession of a firearm by a convicted felon, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).¹ His sentence was originally for 85 months in the Bureau of Prisons followed by three years of supervised release.² On October 19, 2018, his supervised release began.³ However, on October 22, 2018, Spivey admitted to using

¹ Issuance of Summons, *United States of America v. Mandriez Ramon Spivey*, No. 5:10-cr-00017 (M.D.Ga. June 1, 2020), [Doc. 214].

² *Id.*

³ *Id.*

ecstasy to deal with his psychological issues in violation of his parole.⁴ Spivey's mental health issues continued, and the Court has ordered his commitment to the custody of the United States Attorney General for further psychiatric or psychological evaluation more than once.⁵ Most recently, Spivey was placed in a Federal Medical Center in Butner, North Carolina for evaluation and then transferred to the Butts County Jail in April 2020.⁶ On May 4, 2020, the Court ordered Spivey's release from custody and instructed the U.S. Probation Office to supervise his release and participation in a mental health treatment program.⁷

Three days after his release from custody, Spivey nonetheless challenged his being taken into custody for evaluation of his mental health under 28 U.S.C. § 2241. This

⁴ Issuance of Summons, *United States of America v. Mandriez Ramon Spivey*, No. 5:10-cr-00017 (M.D.Ga. Oct. 23, 2018) [Doc. 150].

⁵ Order of Commitment, *United States of America v. Mandriez Ramon Spivey*, No. 5:10-cr-00017 (M.D.Ga. Oct. 30, 2018) [Doc. 161]; Order of Commitment, *United States of America v. Mandriez Ramon Spivey*, No. 5:10-cr-00017 (M.D.Ga. Mar. 20, 2019) [Doc. 176]; Order for Further Evaluation, *United States of America v. Mandriez Ramon Spivey*, No. 5:10-cr-00017 (M.D.Ga. Sept. 27, 2019) [Doc. 189]; Order Granting Extension of Time, *United States of America v. Mandriez Ramon Spivey*, No. 5:10-cr-00017 (M.D.Ga. Jan. 21, 2020) [Doc. 198].

⁶ Order for Further Evaluation, *United States of America v. Mandriez Ramon Spivey*, No. 5:10-cr-00017 (M.D.Ga. Sept. 27, 2019) [Doc. 189]; Notice the Defendant is Back in the District, *United States of America v. Mandriez Ramon Spivey*, No. 5:10-cr-00017 (M.D.Ga. Apr. 16, 2020) [Doc. 206]; <https://www.bop.gov/inmateloc/>, search for "Spivey, Mandriez," Register Number 94155-020, last accessed June 2, 2020.

⁷ Order Dismissing Petition for Revocation, *United States of America v. Mandriez Ramon Spivey*, No. 5:10-cr-00017-LAG (M.D.Ga. May 4, 2020) [Doc. 212]; Order Modifying the Conditions or Terms of Supervision, *United States of America v. Mandriez Ramon Spivey*, No. 5:10-cr-00017-LAG (M.D.Ga. May 5, 2020) [Doc. 213].

Court dismissed Spivey's Petition for Habeas Corpus as moot because when he filed the petition, he was no longer "in custody." [Doc. 4]. Spivey now wishes to appeal that dismissal order [Doc. 10]. In order to press his appeal, Spivey sought a certificate of appealability, which the Court promptly denied. [Doc. 14]. Before the Court issued its denial of his certificate of appealability, Spivey asked the Court to appoint him counsel. [Doc. 13].

Because this Court had already dismissed Spivey's petition prior to his request for counsel, there was no need to provide him counsel after the fact. Further, this Court has denied Spivey's certificate of appealability. Spivey may have an opportunity to request appointment of counsel to represent him during his appeal if the Court of Appeals decides to hear his case. However, this court cannot appoint counsel to represent him in another court. For that reason, the Court **DENIES** Spivey's Motion to Appoint Counsel [Doc. 13].

SO ORDERED, this 30th day of September, 2020.

s/TILMAN E. SELF, III
TILMAN E. SELF, III, JUDGE
UNITED STATES DISTRICT COURT